

WASHINGTON, DC -- Congresswoman Linda Sánchez, Chairwoman of the House Judiciary Subcommittee on Commercial and Administrative Law (CAL), made the following statement today as part of the joint hearing by the CAL Subcommittee and the Subcommittee on Crime, Terrorism, and Homeland Security, titled "Allegations of Selective Prosecution: The Erosion of Public Confidence in our Federal Justice System." The hearing is part of the Judiciary Committee's ongoing investigation into the politicization of the U.S. Department of Justice.

"During the course of the U.S. Attorney investigation, we have attempted to learn why nine talented U.S. Attorneys were fired in the middle of President Bush's second term. While the answer to that question remains elusive, today we will try to answer a different, but no less troubling question: did the U.S. Attorneys who were not fired -- the so-called "loyal Bushies" -- base federal prosecutions on improper partisan purposes rather than on facts and law?

"The public must learn the full extent to which the Justice Department has been transformed into a political arm of the Bush Administration. During former Attorney General Alberto Gonzales's tenure, non-political Justice Department lawyers such as Assistant U.S. Attorneys and immigration judges were hired for jobs based on party affiliation and campaign contributions rather than because of their qualifications.

"Top members of Mr. Gonzales's staff attended pre-election White House political briefings led by Karl Rove and his aides. Mr. Gonzales authorized almost 900 people in the White House to have communications about ongoing civil and criminal investigations with at least 42 Department officials.

"Some federal indictments were timed so as to have a maximum impact on upcoming elections. And evidence suggests that nine U.S. Attorneys were fired in part because they refused to make prosecutorial decisions for politically-motivated reasons.

"This hearing will explore whether political considerations improperly influenced prosecutorial judgments in several cases across the country. In July, Chairman Conyers, Mr. Davis, Ms. Baldwin, and I requested documents from the Justice Department on three alleged selective prosecutions that we believe require additional investigation: former Alabama Governor Don Siegelman, Wisconsin state official Georgia Thompson, and Cyril Wecht, a prominent former Democratic coroner in Pittsburgh. Three months have passed since our original request, and we still do not have an adequate response from the Department.

"While our document request focused on three cases of alleged selective prosecution, several other cases have come to my attention since we started the U.S. Attorney investigation.

"For example, the prosecutions of Georgia State Senator Charles Walker, Pennsylvania State Senator Vince Fumo, Michigan Attorney General candidate Geoffrey N. Fieger, Puerto Rico Governor Anibal Acevedo-Vila, and Democratic contributor Peter Palivos may warrant additional scrutiny and committee action.

"At this time I would ask unanimous consent to enter letters regarding the cases of Mr. Fieger, Mr. Palivos, Mr. Walker, and Mr. Acevedo-Vila into the record.

“Anecdotal concerns regarding alleged politically based, select prosecutions have been reinforced by an academic study by Professors Donald Shields, a witness at today’s hearing, and John Cragan. The study found federal prosecutors during the Bush Administration have indicted Democratic officeholders far more frequently than their Republican counterparts. I look forward to hearing Professor Shields’ testimony today and to gaining a better understanding as to why Democrats are disproportionately targeted for federal prosecution.

“I was encouraged that, when Attorney General nominee Michael Mukasey was asked about the role of politics in law enforcement decision, he responded, “partisan politics plays no part in either the bringing of charges or the timing of charges.”

“However, as we learned from the divergence of Mr. Gonzales’s initial public statements from his actions at the Department, I will reserve judgment on Mr. Mukasey until we are certain that his actions reflect the interests of the American people rather than simply the President.

“I hope that if confirmed, Mr. Mukasey will act quickly to remove the cloud of politicization over the Justice Department and help steer the Department back to its core mission: to ensure fair and impartial administration of justice for all Americans. Ensuring that U.S. Attorneys base prosecutions on legitimate crimes instead of political considerations would be a good start. The American people need to be assured that political calculations do not determine whether an individual is arrested or prosecuted.”